



Christine
Loh

An overriding public need

This new year may be about Hongkongers' awakening to the importance of the environment, good town planning and preserving our heritage. But how in-touch is our government?

On Christmas Eve, Chief Executive Donald Tsang Yam-kuen made an attempt to allay the public outcry over the government's demolition of the Star Ferry clock tower and the imminent demolition of Queen's Pier. He noted that the proper public consultations had been held, and all legal procedures followed.

But was he correct?

The piers are being demolished to make way for the third phase of the Central reclamation scheme.

Public consultations were indeed held. But the government misinformed the public on the legal requirements for justifying the reclamation. A 2004 Court of Final Appeal decision established that the government had been using the wrong legal interpretation. That meant it had misled the public and the Town Planning Board on the proper test to be applied.

The government justified the reclamation on the basis that it provided public benefits. But the court prescribed a very different test: the government must establish that there was an "overriding public need" for the project, it ruled.

But even after that judgment, the government failed to carry out proper public consultations based on the correct test. Had it done so, the result might well have been different.

I believe the public was never given a fair opportunity to raise objections to the reclamation and demolition of the clock tower and Queen's Pier.

The court ruled that the government had to establish that there was no reasonable alternative to reclamation. This the government has not done: it failed to consider – or present to the public – electronic road pricing or an underwater tunnel as alternatives.

The demolition of the clock tower and Queen's Pier are necessary only because the land will make way for

"The public never had a fair chance to object to the reclamation, and demolition of the clock tower and Queen's Pier"

hotel, office and other commercial developments, and for the construction of a new highway necessitated by such massive buildings.

This completely contradicts the government's present justification for the Central reclamation: that it is needed for the relief of traffic congestion, to answer an overriding public need. Quite the contrary, the proposed developments will aggravate traffic congestion by attracting to Central a further 50,000 people per day, and an additional 7,623 cars per hour.

The government clearly could have preserved the clock tower had it wanted to. But that would have meant reducing the amount of land for development.

The recent public outcry highlights a fundamental conflict in government policy: it gives priority to property development over the preservation of historical artefacts and the protection of the environment, including the harbour and the harbourfront.

Proper legal procedure requires the planning board to consider the Central reclamation outline zoning plan on the correct legal basis. But the government asked the board to approve the plan based on the wrong legal interpretation. Even after the court judgment, the government refused to allow the planning board to review its flawed decision: the board was never given the opportunity to reconsider the plan based on the correct legal interpretation.

Mr Tsang was wrong, therefore, to say all legal requirements were met.

The government is reviewing the proposed property developments on the reclaimed land, in compliance with a planning board directive. It should do so with due consideration to preserving our historical landmarks and with due regard to the court's ruling.

Hong Kong does not need more high-rise offices, hotels, shopping malls, traffic or air pollution in Central. The overriding public need is for more open spaces and greenery, better air quality, easier access to the harbour and better enjoyment of the harbourfront. The best legacy Mr Tsang could give Hongkongers is a sense of history and identity, a healthy environment and a good quality of life.

Christine Loh Kung-wai is chief executive of the think-tank Civic Exchange. cloh@civic-exchange.org